

Mr. Steven Klafka
Clean Air Madison
508 Elmside Boulevard
Madison, Wisconsin 53704

Re: Freedom of Information Act (FOIA) Request, Tracking Number EPA-R5-2018-001508

Dear Mr. Klafka:

This is the Land and Chemicals Division (LCD) response to your November 16, 2017, Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency. You requested copies of meeting minutes related to USEPA's discussion of the investigation and remediation of the PCB contamination under the Madison-Kipp Corporation factory in Madison, Wisconsin.

In an email dated November 15, 2017, you clarified your request by providing the names of EPA staff believed to be in attendance (Ken Zolnierczyk, Peter Ramanauskas, John Steketee or Mario Mangino). You also clarified the date range of the records as January 1, 2016 until the present time. On June 6, 2018, you agreed to extend our response time until June 15, 2018.

EPA will be providing the sign-in sheet for a 2016 meeting between EPA and the Madison-Kipp Corporation, through the FOIA Online system. You will receive a notice from the EPA Region 5 FOIA Office that will provide you with a link to access the releasable record electronically.

However, we are unable to provide you with some of these responsive records because they have been determined to be exempt from disclosure by virtue of Exemption 5 of FOIA, Title 5 of the United States Code Section 552(b)(5) and (b)(7). Exemption 5 protects from disclosure of information that reveals EPA's deliberative process, is attorney work product or is attorney-client privileged communication exempt from civil discovery. Exemption 7(A) protects from disclosure information that is compiled for law enforcement purposes for an ongoing investigation, the release of which might reasonably interfere with Agency enforcement proceedings (List of Withheld Records).

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 5315, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its

envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

No bill will be issued for our response to this request because our costs do not exceed the minimum billing amount of \$14.

Please note the following general information:

- The EPA Region 5 office administers federal environmental laws in the states of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
- LCD administers federal programs mainly under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Toxic Substances Control Act (TSCA), the Toxics Release Inventory (TRI) program of the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Resource Conservation and Recovery Act (RCRA). Note also that as part of its RCRA responsibilities, LCD manages the Underground Storage Tanks (UST) and Leaking UST (LUST) programs. LCD does not administer federal Superfund, Air or Water programs; thus, if you requested information from those programs, they will respond separately.
- Each state has an environmental office that in some cases enforces some federal environmental laws jointly with, or on behalf of EPA. States also enforce their own environmental laws. Thus states may have information of interest to you that we do not have. Enclosed is a list of state FOIA contacts, in case you wish to contact a state agency for information in their files. Also enclosed is a list of state contacts in the RCRA UST and LUST programs.
- EPA publishes a great deal of environmental information in searchable databases on the internet, available at no cost, via its Envirofacts webpage, www.epa.gov/enviro/. Envirofacts has links to over 20 databases with information such as facility enforcement history, Toxics Release Inventory submissions, and information collected by Air, Water, Superfund, RCRA, and TSCA programs. Note that if EPA makes information available to the public online, we generally are not required to provide that information via FOIA, and we generally will not do so. For instance, TRI data often are of interest to the public, but because EPA puts TRI data on Envirofacts, we will not provide data from that database. Thus, it is important that you visit the Envirofacts site to search for information of interest. Also, enclosed is a list of general EPA internet sites that provide various information that also may be of interest.

If you have any questions regarding this response, please contact Terri Wilson of my staff by email at Wilson.Terri@epa.gov or by phone at 312-886-4188.

Sincerely,

Tinka G. Hyde
Division Director
Land and Chemicals Division

Enclosures